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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/516,995

12/06/2004

Kazuki Yamanouchi

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8738

32294 7590 01/23/2007
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EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT

PAPER NUMBER

2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/516,995

Applicant(s)

YAMANOUCI ET AL.

Examiner

Brian A. Zimmerman

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) ✓
Paper No(s)/Mail Date 12/6/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3,4 and 10,11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 10 recites the limitation "a first communication terminal" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 1 and 8 already recite a communication terminal; the subsequent introduction of a first communication terminal in claims 3 and 10 is confusing. Is this the same terminal, different terminal?

Claims 4 and 11 recites the limitation "a second communication terminal" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 1 and 8 already recite a communication terminal; the subsequent introduction of a second communication terminal in claims 3 and 10 is confusing. Is this the same terminal, different terminal?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,2,5-9,12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda (JP 06187476) and Gobburu (6736322).

Ikeda shows a bar code (10,12) mounted on a vehicle. A reader 18 reads the bar code. A base station is in communication with a server 24. When the bar code read from the vehicle is identified an account payment is implemented. This operates in a toll system to operate gates 32 upon authorization. The difference between Ikeda and the claimed invention is that the claimed invention uses a portable terminal to display the bar code information.

In an analogous art, Gobburu teaches a communication device that a user carries, which includes a display to present bar codes for authorizing access to events. The use of the portable bar code display is that the bar code can be varied easily and can take up less space than the plurality of bar code "stickers" it replaces. Gobburu receives information from a communication network to update the bar code information stored in the device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the portable bar code display unit of Gobburu for authorizing and charging a toll charge as suggested by Ikeda, since the use of such a portable device could replace a plurality of bar code 'stickers'.

Regarding claims 6 and 13, the examiner takes official notice that port authorities operate gated facilities much like toll roads, and use similar technologies to control access and charge usage fees. This can be further

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evidenced in the applicant's background of the invention. Therefore, using the above system to control access and charge usage fees would have been well within the skill of the artisan at the time of the invention.

2. Claims 3,4,10,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda and Gobburu as applied to claims 1 and 8 above, and further in view of Hassett (5805082).

In an analogous art, Hassett discusses a toll collection system that tracks when the vehicle has entered and exited the toll road in order to charge the amount. There are lights and indicators 26 that indicate to the user that the vehicle has successfully been authorized and charged for use. This indication helps the user understand that the system is working properly.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used indicators to indicate that the vehicle has successfully been authorized and charged for use since this indication helps the user understand that the system is working properly.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16-18 rejected under 35 U.S.C. 102(b) as being anticipated by Lennington (4325146).

Lennington shows a gate management system where a reception means 14 receives an identification code from a terminal 12 on the vehicle. A computer 16 determines whether the terminal is authorized. The computer transmits the authorization showing to the gate 9 to control the gate.

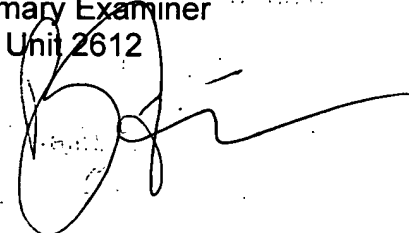
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A. Zimmerman whose telephone number is 571-272-3059. The examiner can normally be reached on 7 am to 4 pm E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian A Zimmerman
Primary Examiner
Art Unit 2612



BZ